

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

PAULA BROCK,  
Plaintiff,

V.

NATIONAL RAILROAD PASSENGER  
CORPORATION d/b/a AMTRAK,  
Defendant.

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CIVIL ACTION NO.: 6:21-cv-00709

JURY

**DEFENDANT NATIONAL RAILROAD PASSENGER CORPORATION'S**  
**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES JUDGE FOR THE WESTERN DISTRICT OF TEXAS, WACO DIVISION:

Defendant National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak"), by and through its undersigned counsel, files this Notice of Removal pursuant to 28 U.S.C. § 1446, and states as follows:

1. Plaintiff is Paula Brock. Defendant is Amtrak.
2. On June 7, 2021, Plaintiff sued Defendant for personal injury and resulting damages in the 169th Judicial District of Bell County, Texas; suit entitled *Paula Brock v. National Railroad Passenger d/b/a Amtrak*, Cause No. 21DCV325280. A true and correct copy of all processes, pleadings, and orders served upon Defendant, as well as Defendant's Answer, in the state court action are filed with this notice as required by 28 U.S.C. § 1446(a), and included in the Appendix to this Notice of Removal.
3. Defendant was served with this suit on June 10, 2021. Defendant timely files this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

4. A state court action may be properly removed to federal court only if the case falls within the original jurisdiction of the federal courts. 28 U.S.C. § 1441(a). Section 1331 confers original jurisdiction to the federal district courts “of all civil actions arising under the Constitution, laws or treaties of the United States.” 28 U.S.C. § 1331. Jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States is known as federal-question jurisdiction.

5. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, in that this case involves a federal question. Pursuant to 28 U.S.C. § 1349, the district courts “shall not have jurisdiction of any civil action by or against any corporation upon the ground that it was incorporated by or under an act of Congress, unless the United States is the owner of more than one-half of its capital stock.” Amtrak was created by an act of Congress, 45 U.S.C. § 501, *et. seq.*, and was incorporated pursuant to 45 U.S.C. §§ 541 and 542. The United States is the owner of more than one-half of Amtrak’s capital stock. Thus, the district court has original jurisdiction of this matter. *Federal Intermediate Credit Bank v. Mitchell*, 277 U.S. 213 (1928), *Pacific Railroad Removal Cases*, 115 U.S. 1 (1885); *Osborne v. Bank of United States*, 22 U.S. 738 (1824).

6. Under 28 U.S.C. § 1441(a), venue of the removed action is proper in this Court as the district and division embracing the place where the state action is pending. The state court cause was filed in the District Court, 169th Judicial District of Bell County, Texas, which falls within the United States District Court for the Western District of Texas, Waco Division.

7. Defendant Amtrak, the removing party, will promptly give adverse parties written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d). Defendant will also promptly file a copy of this Notice of Removal with the District Clerk of the District Court, 169th Judicial District of Bell County, Texas, pursuant to 28 U.S.C. § 1446(d).

8. Since there is only one defendant, all named defendants in this matter, consent to this removal, by and through its attorney, as evidenced by the official notice of consent below.

9. Defendant Amtrak demanded a jury in the state court lawsuit. Defendant Amtrak hereby requests a jury trial in this cause.

WHEREFORE, Amtrak, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes the suit entitled "*Paula Brock v. National Railroad Passenger d/b/a Amtrak*", Cause No. 21DCV325280, from the District Court, 169th Judicial District of Bell County, Texas, on this 8<sup>th</sup> day of July, 2021, to the United States District Court for the Western District of Texas, Waco Division.

Respectfully submitted



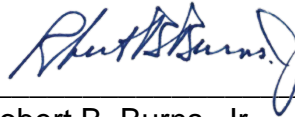
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**ATTORNEYS FOR DEFENDANT,  
NATIONAL RAILROAD PASSENGER  
CORPORATION, d/b/a AMTRAK**

**CERTIFICATION OF DEFENDANT'S CONSENT FOR REMOVAL**

All defendants, being only one defendant herein, by and through its undersigned counsel, certify that it consents to the removal of this case to federal court, on this 8<sup>th</sup> day of July, 2021.



Robert B. Burns, Jr.

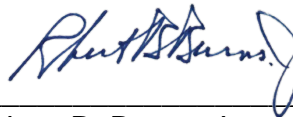
**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the parties listed below by electronic notice this 8<sup>th</sup> day of July, 2021, in accordance with Rule 5, Federal Rules of Civil Procedure.

**VIA E-SERVICE**

Abraham C. Bloomenstiel  
Law Office of Joel M. Vecchio, P.C.  
101 E. Park Blvd.  
Plano, Texas 75075

**ATTORNEYS FOR PLAINTIFF,  
PAULA BROCK**



Robert B. Burns, Jr.